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September 18, 2020

**Sent Via ECF**

Hon. Paul A. Engelmayer  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2201  
New York, NY 10007

Re: Escobar Montiel et al v. Shamrock Saloon II LLC et al;  
17-cv-05550-PAE

Dear Judge Engelmayer:

I am counsel to the Plaintiffs in the above-referenced matter. I write to respectfully request Defendants be compelled to appear for depositions to be conducted on September 22, 2020 and September 23, 2020 and for Defendants to provide the needed information to set up a remote deposition. This is Plaintiffs' second motion to compel. Until approximately 2pm, Friday September 18, 2020, Defense counsel did not provide the undersigned a time for a call to be able to meet and confer<sup>1</sup>.

We thank the Court for its attention to this matter.

Granted. Defendants are ordered to appear for depositions on September 22 and September 23.

Respectfully Submitted,

/s/ Gennadiy Naydenskiy  
Gennadiy Naydenskiy

SO ORDERED.

*Paul A. Engelmayer*

PAUL A. ENGELMAYER  
United States District Judge

September 18, 2020

<sup>1</sup> Emails sent to Defense counsel are attached as Exhibit A.

# EXHIBIT A

## Gennadiy Naydenskiy

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**Subject:** FW: Activity in Case 1:17-cv-05550-PAE Escobar Montiel et al v. Shamrock Saloon II LLC et al Order on Motion to Compel

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**From:** Gennadiy Naydenskiy <gnaydenskiy@faillacelaw.com>

**Sent:** Friday, September 18, 2020 2:11 PM

**To:** Vince M. Avery <VAvery@fordharrison.com>

**Cc:** Brenda Tapia <brenda@faillacelaw.com>

**Subject:** Re: Activity in Case 1:17-cv-05550-PAE Escobar Montiel et al v. Shamrock Saloon II LLC et al Order on Motion to Compel

I'm not available tomorrow.

Please provide the necessary info so we cant set up the depositions. Please confirm by 3pm today that Defendants will appear for their noticed depositions on 9/22 and 9/23.

On Sep 18, 2020, at 1:57 PM, Vince M. Avery <[VAvery@fordharrison.com](mailto:VAvery@fordharrison.com)> wrote:

Can you talk tomorrow? All day will work

Vincent Avery, Esq.

Partner

FordHarrison, LLP

60 East 42nd Street, 51st Floor

New York, NY 10165

P: 212-453-5935

C: 609-947-0451

On Sep 16, 2020, at 10:04 AM, Gennadiy Naydenskiy <[gnaydenskiy@faillacelaw.com](mailto:gnaydenskiy@faillacelaw.com)> wrote:

Hi Vincent,

I haven't heard back from you. Are you available today to discuss?

Please confirm Defendants attendance at their noticed depositions. Also, please provide me the info needed to conduct remote depositions.

---

**From:** Gennadiy Naydenskiy

**Sent:** Friday, September 11, 2020 1:46 PM

**To:** Vince M. Avery <[VAvery@fordharrison.com](mailto:VAvery@fordharrison.com)>

**Cc:** Brenda Tapia <[brenda@faillacelaw.com](mailto:brenda@faillacelaw.com)>

**Subject:** FW: Activity in Case 1:17-cv-05550-PAE Escobar Montiel et al v. Shamrock Saloon II LLC et al Order on Motion to Compel

Vincent,

I will be conducted depositions of Defendants on 9/22/20 and 9/23/20. Notices will be sent to you shortly. Please confirm Defendants attendance.

By 9/15/20 provide the info needed to conduct remote depositions.

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**From:** [NYSD\\_ECF\\_Pool@nysd.uscourts.gov](mailto:NYSD_ECF_Pool@nysd.uscourts.gov) <[NYSD\\_ECF\\_Pool@nysd.uscourts.gov](mailto:NYSD_ECF_Pool@nysd.uscourts.gov)>

**Sent:** Thursday, September 10, 2020 4:46 PM

**To:** [CourtMail@nysd.uscourts.gov](mailto:CourtMail@nysd.uscourts.gov)

**Subject:** Activity in Case 1:17-cv-05550-PAE Escobar Montiel et al v. Shamrock Saloon II LLC et al Order on Motion to Compel

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U.S. District Court

Southern District of New York

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The following transaction was entered on 9/10/2020 at 4:46 PM EDT and filed on 9/10/2020

**Case Name:** Escobar Montiel et al v. Shamrock Saloon II LLC et al

**Case Number:** [1:17-cv-05550-PAE](https://ecf.nysd.uscourts.gov/case/1:17-cv-05550-PAE)

**Filer:**

**Document Number:** [87](#)

**Docket Text:**

**ORDER granting [86] Letter Motion to Compel. The Court accordingly grants an extension of two weeks to complete depositions. All depositions must be completed by September 28, 2020. No further extensions will be granted. The Clerk of Court is respectfully directed to terminate the letter motion pending at docket 86. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 9/10/20) (yv)**

**1:17-cv-05550-PAE Notice has been electronically mailed to:**

Michael Antonio Faillace [michael@faillacelaw.com](mailto:michael@faillacelaw.com), [brenda@faillacelaw.com](mailto:brenda@faillacelaw.com), [ctucker@faillacelaw.com](mailto:ctucker@faillacelaw.com), [dtannenbaum@faillacelaw.com](mailto:dtannenbaum@faillacelaw.com), [fgomez@faillacelaw.com](mailto:fgomez@faillacelaw.com), [jbarton@faillacelaw.com](mailto:jbarton@faillacelaw.com), [jorge@faillacelaw.com](mailto:jorge@faillacelaw.com), [kjohnson@faillacelaw.com](mailto:kjohnson@faillacelaw.com), [paralegal10@faillacelaw.com](mailto:paralegal10@faillacelaw.com), [paralegal11@faillacelaw.com](mailto:paralegal11@faillacelaw.com), [paralegal12@faillacelaw.com](mailto:paralegal12@faillacelaw.com), [paralegal15@faillacelaw.com](mailto:paralegal15@faillacelaw.com),

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Vincent Mantella Avery [vavery@fordharrison.com](mailto:vavery@fordharrison.com), [VAvery@fordharrison.com](mailto:VAvery@fordharrison.com),  
[lpfeiffer@fordharrison.com](mailto:lpfeiffer@fordharrison.com)

Gennadiy Naydenskiy [naydenskiylaw@gmail.com](mailto:naydenskiylaw@gmail.com), [gnaydenskiy@faillacelaw.com](mailto:gnaydenskiy@faillacelaw.com)

Haleigh Amant [hamant@faillacelaw.com](mailto:hamant@faillacelaw.com)

**1:17-cv-05550-PAE Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

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[STAMP dcecfStamp\_ID=1008691343 [Date=9/10/2020] [FileNumber=24580448-0] [9848e846679a8395f9a94ea99b36f166c457c46235416436d5a31251350cac263f34a519687e8c9783866655a9e91f15156bad9cefe9672ebdb6b92f7f5165e8]]

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